

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE MERRILL LYNCH & CO., INC.  
SECURITIES, DERIVATIVE AND ERISA  
LITIGATION

Master File No. 07-cv-9633 (JSR)(DFE)

This Document Relates To:  
Louisiana Sheriffs' Pension and Relief Fund, et al.  
v. Conway, et al., 08cv9063 (JSR)(DFE)

**NOTICE OF BOND PLAINTIFFS' MOTION FOR APPROVAL OF  
PLAN OF ALLOCATION OF SETTLEMENT PROCEEDS**

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

**PLEASE TAKE NOTICE** that upon the (i) Declaration of Max W. Berger and Mark Lebovitch in Support of Bond Plaintiffs' Motion for Final Approval of Class Action Settlement and Certification of the Bond Class and Motion for Approval of Plan of Allocation of Settlement Proceeds, and Bond Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses; and (ii) Memorandum of Law in Support of Bond Plaintiffs' Motion for Approval of Plan of Allocation of Settlement Proceeds being filed concurrently herewith; and all prior proceedings had herein, Bond Plaintiffs Louisiana Sheriffs' Pension and Relief Fund and Louisiana Municipal Police Employees' Retirement System, on behalf of themselves and on behalf of the Bond Class, by and through their counsel, will move this Court before the Honorable Jed S. Rakoff on November 23, 2009 at 4:00 p.m. at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, for final approval of the proposed Plan of Allocation of the Settlement proceeds set forth in the Notice of

Pendency of Class Action and Proposed Settlement, Settlement Fairness Hearing and Motion for Attorneys' Fees and Reimbursement of Litigation Expenses.

Dated: October 23, 2009

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

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/s/ Max W. Berger

By: Max W. Berger

Mark Lebovitch

1285 Avenue of the Americas

New York, New York 10019

Tel: (212) 554-1400

Fax: (212) 554-1444

***Bond Counsel***